

FOR THE WESTERN DISTRICT OF WISCONSIN

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JAMES BIRKETT,

Plaintiff,

v.

KAREN TIMBERLAKE and  
VI SORENSON.

Defendants.

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ORDER

10-cv-442-slc

Plaintiff James Birkett, a patient at the Sand Ridge Secure Treatment Center in Mauston, Wisconsin, has submitted a proposed complaint. He asks for leave to proceed *in forma pauperis*. On August 6, 2010, I ordered plaintiff to submit a six month resident account statement so that I could determine his initial partial payment as described in that order. Plaintiff has now submitted his statement from which I conclude he has the means to prepay a portion of the filing fee in the amount of \$185.32.

Plaintiff is reminded that once he pays the amount I have determined he is able to prepay, that is just the first step in obtaining leave to proceed in forma pauperis under 28 U.S.C. § 1915. After the court receives his payments, the court will take plaintiff's complaint under advisement for a determination under § 1915(e)(2) whether his action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief.

ORDER

IT IS ORDERED that plaintiff James Birkett qualifies financially for pauper status on the condition that he prepay \$185.32 of the \$350 filing fee. He is to submit a check or money order made payable to the clerk of court in that amount on or before September 6, 2010. If, by September 6, 2010, plaintiff fails to prepay the amount he has been ordered to pay, the court will dismiss the case for his failure to prosecute it.

Entered this 16<sup>th</sup> day of August, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge